IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1092 OF 2007

1. Sou.Mudrakaa @ Indutai
   Maruti Shep
2. Maruti Nivrutti Shep
3. Sou.Kanchan Laxman Thombre
4. Laxman Apparao Thombre..Applicants

Vs.

State of Maharashtra ..Respondents

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Mr.S.A.Ingawale Advocate for Applicants
Mr.S.R.Shinde A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : APRIL 9, 2007

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking bail in C.R.No.262 of 2006 of Shahupuri Police Station, Kolhapur. The said case is mainly under Section 498-A and 302 of IPC.

3. The applicant no.1 is the mother in law, applicant no.2 is the father in law, applicant no.3 is sister in law of Jayashree (deceased) and

applicant no.4 is the husband of applicant no.3. On 10.11.2006, Jayashree sustained burn injuries and came to be admitted in hospital. Thereafter, she died. Prior to her death, Jayashree had given two dying declarations. In the first dying declaration, Jayashree has stated that her husband is given to vices and due to that there were quarrels between her husband and her. She has further stated that on 10.11.2006 at 2.30 p.m. there was quarrel between her and her husband on account of money, hence, she went into the kitchen and poured kerosene on herself and set herself on fire. Thereafter, she came out shouting. At that time, her husband poured water and extinguished the fire. She has stated in the said dying declaration that she does not have any complaint against anybody.

4. The second dying declaration of Jayashree was recorded on 11.11.2006. The said dying declaration is recorded by the Tahsildar. In the said dying declaration, Jayashree has stated that there was quarrel between her and her husband. On account of the said quarrel, her husband poured kerosene on her and set her on fire. In the last line in the

said dying declaration, she has stated that since four years, her in laws i.e. present applicants have been illtreating her and they have instigated her husband to set her on fire. Looking to these two dying declarations, prima facie, in the second dying declaration, the applicants appear to have been implicated as an after thought. In any event, the role of actual setting her on fire, has not been attributed to any of the present applicants. Looking to these facts, I am inclined to grant bail to the applicants.

5. Each of the applicants to be released on bail in the sum of Rs.20,000/- each (Rs. Twenty thousand only) with one or two sureties to make up the said amount in C.R.No.262 of 2006 of Shahupuri Police Station, Kolhapur. The applicants shall report to the concerned Police Station, as and when required.

6. Application is disposed of.

[V.K.Tahilramani, J.]